

Notice of Allowability

Application No.

09/407,434

Examiner

Jeffrey A. Smith

Applicant(s)

AGGARWAL ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment of 7/20/04 and Ex. Amendment of 11/29/04.
2. ☒ The allowed claim(s) is/are 1-6 and 8-20.
3. ☒ The drawings filed on 23 May 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

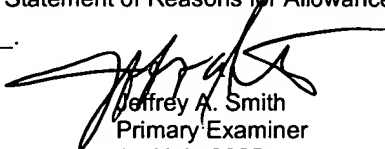
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Jeffrey A. Smith
Primary Examiner
Art Unit: 3625

Art Unit: 3625

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Clyde R. Christofferson on November 29, 2004.

The application has been amended as follows:

In the Claims

In claim 11, lines 1 and 2:

"A computer implemented decision support system for on-line negotiation, comprising:" has been changed to

--A computer implemented decision support system for on-line negotiation, said system including computer readable media having computer code embodied therein, said computer code comprising:--.

Art Unit: 3625

In claim 20, lines 3-4:

"a merchant decision support system for an on-line e-commerce site, said system further comprising computer code for" has been changed to

--a merchant decision support system for an on-line e-commerce site, said system further comprising computer readable media having embodied therein computer code for--.

In claim 20, lines 17-18:

"a customer decision support system, said system further comprising computer code for" has been changed to

--a customer decision support system, said system further comprising computer readable media having embodied therein computer code for--.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art of record neither anticipates nor fairly and reasonably teaches a computer assisted on-line negotiation method comprising, *inter alia*, formulating at a customer computer interface a predetermined profile of an on-line e-commerce site based on past history that the customer computer interface has about various e-commerce sites, including multiple value attributes, and the captured actions; negotiating by the customer via said customer computer interface with the on-line e-commerce site based on a dynamically changing profile of the site; and dynamically changing by the customer computer interface the on-line e-commerce site's predetermined profile during negotiations based on an observed behavior of the on-line e-commerce site.

The most remarkable prior art of record is to Solomon (U.S. Patent No. 6,035,288).

Solomon teaches an interactive computer-implemented system and method for negotiating sale of goods and/or services.

Solomon teaches:

Art Unit: 3625

"Ancillary features may be provided to the Web site to increase user interest and involvement. For example, hyperlinks may be provided to biographical sketches of each merchant where a user may learn important clues to the merchant's behavior. A user may hyperlink to an "eavesdropping" screen where the user may observe a negotiation being carried out by another user; An "Upcoming Merchandise" screen may preview future goods that will be available for sale; "A Hall of Fame" screen may list the most successful "hagglers" at the site; a tutorial area may be provided where a customer can engage in a simulated negotiating session to familiarize herself with the process." (col. 5, lines 35-47)

Solomon, however does not disclose the step of dynamically changing by the customer computer interface the on-line e-commerce site's predetermined profile during negotiations based on an observed behavior of the on-line e-commerce site.

Although Solomon discloses utilities for educating a customer on certain behaviors of an on-line site, there is no disclosure that a predetermined on-line e-commerce site profile is dynamically changed by a customer computer interface. This dynamic change permits customer negotiation with the on-line e-commerce site based on the dynamically changing profile of the site.

Claims 11, and 20 are of a scope similar to that of claim 1 and each recites corresponding distinguishing features.

Art Unit: 3625

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

JP410111804A (Kawamura et al.) discloses autonomously changing negotiation strategy according to a negotiation history.

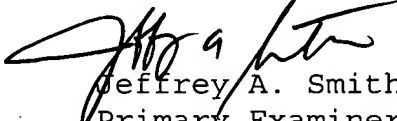
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is 703-308-3588. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeffrey A. Smith
Primary Examiner
Art Unit 3625

jas